THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 21090 OF 2006

DATED: 11-10-2006

Between:

M. Laxman Rao … Petitioner

And

The Assistant Commissioner,
Endowments Department,
Vijayawada and another … Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 21090 OF 2006

ORDER:

Writ petition is filed aggrieved that the respondent had issued a notice dated 23-09-2006 proposing constitution of the Board of Trustees to Sri Seetha Ramachandra Swamy Temple, Gokaram Village, Valigonda Mandal, Nalgonda District under Section 15 of A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987 (the Act).

The petitioner claims to be a member of the family of persons, who founded the temple. He asserts to have made an application on 22-09-2006 to the respondent for recognition as
a member of founder's family and consecutively being considered for appointment as a member of the Board of Trustee qua the legislative mandate under the proviso to Section 17(1) of the Act. The petitioner's grievance is that a day after he made such an application, the impugned notice has been issued.

Hereditary trustees were abolished with the commencement of the Act about 20 years ago. All these 20 years, the petitioner has not asserted his right to be a member of the founder's family. He

submitted an application on 22-09-2006. In the circumstances, this Court finds no justification for directing the respondents to dispose of the application of the petitioner dated 22-09-2006 for recognition as a member of the founder's family before constituting the Board of Trustees for the Devastanam in question.

Management by a Board of Trustees for religious institutions is considered the most desirable course of enjoining good governance, by the provisions of the Act, then management by persons incharge or by endowments officials. It is therefore not proper to deflect the purposes of the legislation by not considering the petitioner's application for recognition as a member of the founder's family.

The learned Government Pleader for Endowments states that the petitioner has not made any application to the competent authority for recognition as a member of the founder's family in view of the provisions of Section 87(1)(h).

In the circumstances, the petitioner is at liberty to submit an appropriate application, if he so desires, to the competent authority as per the provisions of Section 87 of the Act. If such an application is being made, this Court is not in doubt, the competent authority will exercise the statutory powers and discretion with utmost expedition having regard to the legislative mandate of Section 17(1) proviso of providing a position, in the management of Devastanam to members of the founder's family. If and when the petitioner is recognized as member of the founder's family, the trust board can always be reconstituted to accommodate the petitioner on it in furtherance of the legislative provision in Section 17.

Accordingly, the Writ petition is disposed of. There shall be no order as to costs.

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GODA RAGHURAM, J.

Dt: 11-10-2006
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